

Minutes  
Air Pollution Control Board  
Indiana Government Center South  
Conference Room A  
402 West Washington Street  
Indianapolis, Indiana

August 2, 2006  
1:00 p.m.

1. Dr. James Miner, Chairman, called the meeting to order.  
He noted that a quorum was present.

**CALL TO ORDER  
QUORUM**

2. Chairman Miner introduced the board members.

**INTRODUCTION OF  
MEMBERS**

Present: Dr. James Miner, Chairman  
Mr. John Bacone, Proxy, Department of  
Natural Resources  
Mr. David Benshoof  
Mr. Howard Cundiff, Proxy, State Board of Health  
Ms. Pamela Fisher, Proxy, Indiana Economic Development Corporation  
Mr. Chad Frahm, Proxy, Lt. Governor  
Mr. Marlow Harmon  
Mr. Chris Horn  
Mr. Randy Staley  
Dr. Phil Stevens

Also present were Mr. Paul Dubenetzky, Assistant Commissioner, and Ms. Patricia Troth, Office of Air Quality, Rules Section Chief. Others present were recorded on a separate sheet and made a part of this record. A court reporter was present and a transcript is available for review.

3. Mr. Dubenetzky gave an overview of monthly ozone levels for July and compliance with the ozone standard state-wide.

**REPORTS**

Ms. Troth gave an update on pending rulemakings. She stated that there had been a change of process in submitting rule documents to the Legislative Services Agency.

4. Chairman Miner introduced the May 3, 2006, Air Pollution Control Board minutes.

**MINUTES**

Mr. Horn moved to adopt the May 3, 2006, Air Pollution Control Board's Minutes. Mr. Staley seconded. The motion passed unanimously.

5. Chairman Miner introduced Exhibit 1-A, the rule as proposed for readoption with IDEM's suggested changes incorporated; Exhibit 1-B, the final rule as adopted on May 3, 2006; and Exhibit 1-C, the proposed rule as preliminarily adopted on March 1, 2006, into the record of the hearing.

Ms. Ann Long, Attorney, Office of Legal Counsel, stated that IDEM had re-called the rule amending 326 IAC 1-4-1 regarding attainment designations and the one-hour ozone standard revocation that was final adopted by the board on May 3, 2006. Ms. Long stated that the rule was re-called because the July 1, 2005, edition of the CFR includes the federal fine particle, i.e, PM<sub>2.5</sub>, designations for Indiana, which IDEM did not intend to incorporate. Ms. Long asked the board to adopt the amendments to the rule as it was final adopted and then re-adopt the rule as amended.

**PUBLIC HEARING  
FOR FINAL  
READOPTION OF  
Redesignation of  
Delaware, Greene,  
Jackson, Vanderburgh,  
Vigo and Warrick  
Counties to Attainment  
for the 8-Hour Ozone  
Standard,  
Redesignation of Lake  
County to Attainment  
for Sulfur Dioxide and  
Revocation of the 1-  
Hour Ozone Standard.  
LSA #06-18.**

Mr. Cundiff moved to adopt the amendments to re-called rule 326 IAC 1-4-1. Dr. Stevens seconded. The motion passed unanimously.

Mr. Cundiff moved to final adopt recalled rule 326 IAC 1-4-1, as amended. Mr. Frahm seconded. The motion passed 10-0.

6. Chairman Miner introduced Exhibit 2, the temporary emergency rule, into the record of the hearing.

Ms. Ann Long, Attorney, Office of Legal Counsel, stated that a written memorandum from herself had been included with each board member's packet. This memorandum outlined the emergency rulemaking process. She informed the board that the emergency rule contained the same language amending 326 IAC 1-4-1, as does the rule that was just re-adopted by the board. Ms. Long stated that IDEM was proposing an emergency rulemaking to allow the redesignations to attainment to take effect in the named counties as soon as possible, while the readopted rule, LSA # 06-18, goes through the full review process by the Attorney General's Office and the Governor.

**IC 4-22-2-37.1  
TEMPORARY  
EMERGENCY RULE**

**Redesignation of  
Delaware, Greene,  
Jackson, Vanderburgh,  
Vigo and Warrick  
Counties to Attainment  
for the 8-Hour Ozone  
Standard,  
Redesignation of Lake  
County to Attainment  
for Sulfur Dioxide and  
Revocation of the 1-  
Hour Ozone Standard .  
LSA #06-18.**

Ms. Long stated that the emergency rule was temporary, and it would expire 90 days after acceptance for filing by the Legislative Services Agency. However, the emergency rule may be extended if necessary for another 90 days through adoption under Indiana Code, 4-22-2-37.1 at a subsequent board meeting.

Mr. Benshoof moved to adopt the temporary emergency rule. Dr. Stevens seconded. The motion passed unanimously.

Chairman Miner stated that “this is an emergency rule, which becomes effective on filing with the Legislative Services Agency and remains in effect for 90 days.”

7. Chairman Miner introduced Exhibit 3, the draft rule, into the record of the hearing.

Mr. Sean Gorman, Rulewriter, stated that currently new facilities which have the potential to emit 25 tons of VOC or more per year, and are not otherwise regulated by a provision in Article 8, are required to implement best available control technology or BACT, pursuant to 326 IAC 8-1-6. Establishing BACT is a case-by-case determination and is based on the maximum reduction in emissions that is technically feasible while taking into account energy, environmental, and economic impacts. Mr. Gorman stated that in this rulemaking, IDEM had identified two industries for which specific standards can be established based on current and past BACT analyses. This rulemaking amends the applicability section at 326 IAC 8-5-1 to extend applicability to the proposed two new sections in 326 IAC 8-5.

**PUBLIC HEARING  
FOR PRELIMINARY  
ADOPTION OF  
AMENDMENTS TO  
326 IAC 8-5-1 and  
NEW RULES 326 IAC  
8-5-6, FOUNDRY  
CORE MAKING  
OPERATIONS and 326  
IAC 8-5-7, FUEL  
GRADE ETHANOL  
PRODUCTION  
OPERATIONS.  
326 IAC 8, Source  
Specific BACT  
Categories.**

Mr. Fitzgerald, on behalf of International Truck and Engine Corporation and Indianapolis Castings Corporation, commented on 326 IAC 8-5-6, foundry core-making operations. He expressed concern regarding the proposed rule’s specifications for 100 percent capture efficiency. He said that this concern had been previously raised by the Indiana Cast Metals Association and via written comments by Indianapolis Castings Corporation in 2005.

Mr. Benshoof, on behalf of Mr. Kurt Anderson, provided a comment for the public record stating that the ethanol industry cannot achieve 100 percent capture as it is broadly defined in the proposed rule and that he could not support the rule as currently written. Mr. Dubenetzky agreed to meet with the ethanol industry to discuss these issues.

Dr. Stevens moved to preliminarily adopt amendments to rule 326 IAC 8-5-1 and new rules 326 IAC 8-5-6 and 326 IAC 8-5-7. Mr. Harmon seconded. The motion passed unanimously.

8. Chairman Miner introduced Exhibit 5, the draft rule, into the record of the hearing.

Ms. Suzanne Whitmer, Rulewriter, stated that IDEM is proposing amendments to rule 326 IAC 4-1-3, to allow the use of natural gas, methane or propane for fire extinguisher training by providing an exemption to use these fuels. Ms. Whitmer stated that all three of these fuels are clean burning, similar to the clean petroleum products currently allowed in the rule. Additionally the rules are being amended to be consistent with the existing statute regarding open burning and the existing Natural Resources Commission's rule. Ms. Whitmer stated that IDEM also is proposing certain LSA format and style changes. Ms. Whitmer asked the board to preliminarily adopt the rulemaking.

**PUBLIC HEARING  
FOR PRELIMINARY  
ADOPTION OF  
AMENDMENTS TO  
RULE 326 IAC 4-1.  
Open Burning for  
Specified Purposes.**

Mr. Mark Strimbu, NiSource, expressed support of the rulemaking.

Mr. Bacone moved to preliminarily adopt amendments to rule 326 IAC 4-1-3. Mr. Benshoof seconded. The motion carried unanimously.

9. Chairman Miner introduced Exhibit 5, the proposed rule as preliminarily adopted, into the record of the hearing.

Ms. Troth stated that changes to 326 IAC 6.5-7-13 had been preliminarily adopted by the board at its June, 2006 meeting. The changes were to correctly identify the permit holder and the source identification as Holy Cross Services Corporation. It was previously identified as St. Mary's Campus. Ms. Troth stated that this was the only change made in the rulemaking.

**PUBLIC HEARING  
FOR FINAL  
ADOPTION OF  
AMENDMENTS TO  
326 IAC 6.5-7-13.  
Holy Cross Services  
Corporation.**

Mr. Staley moved to final adopt amendments to rule 326 IAC 6.5-7-13. Mr. Horn seconded. The motion passed 10-0.

10. The next meeting was tentatively scheduled for Wednesday, October 4, 2006, at 1:00 p.m, Indiana Government Center South, Indianapolis, Indiana in Conference Room A.

**NEXT MEETING**

11. Mr. Benshoof moved to adjourn the meeting. Mr. Cundiff seconded. The vote was unanimous. Chairman Miner adjourned the meeting at 1:58 p.m.

**ADJOURNMENT**

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James Miner, Chairman

*These minutes were taken from the August 2, 2006, transcript, and were written on September 15, 2006, by Karol T. Chuma, Office of Air Quality.*